



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 02 2003

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REPLY TO THE ATTENTION OF:

September 3, 2003

B-19J

Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423

Re: Docket No. AB-295 (Sub-No. 5X), *Union Pacific Railroad Company-  
Abandonment Exemption*

Dear Sir or Madam:

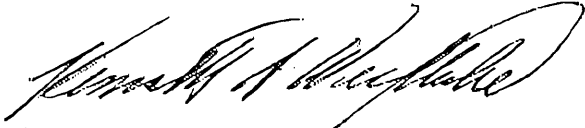
The U.S. Environmental Protection Agency (EPA) has reviewed the afore-mentioned document published in the Federal Register August 1, 2003, the Environmental Assessment, and the Combined Environmental and Historic Report. Our comments in this letter are provided pursuant to NEPA, the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

Pursuant to telephone conversations with Ms. Newman of your office, we understand the Surface Transportation Board's decision was expected on August 25, 2003. Therefore, we request an amendment to that decision include the following:

- Subsequent use of said rails, crossties, etc. Per the Notice of Exemption filed on July 14, 2003, the rail line may be transferred to Washington County, Illinois and may be salvaged. We request an amendment concerning the final disposition of crossties preserved with creosote reflect decisions set forth in the July 3, 1984 Rebuttable Presumption Against Registration for three major wood preservatives under the Federal Insecticide, Fungicide, and Rodenticide Act. In particular, wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Illinois; and
- Consideration of revegetating all or portions of the right-of-way with native flora. Long-term benefits of this mitigation activity go beyond stormwater and soil protection to include development of habitat for wildlife and improved aesthetics.

We appreciate the opportunity to comment on this issue. Should you have any questions, please do not hesitate to contact me or Kathleen Kowal of my staff at (312) 353-5206.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Westlake". The signature is fluid and cursive, with a large loop at the end.

Kenneth A. Westlake, Chief  
Environmental Planning and Evaluation Branch

cc: Mack H. Shumate, Jr., Esq.